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Attorneys for Defendants
Wells Fargo Advisors, LLC, Wells Fargo Advisors
Financial Network, LLC, Wells Fargo Securities, LLC,
and Wells Fargo & Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THEODORE KAGAN, JAMES AVEN,
FRANCES LEVY, ELAINE SOFFA, JOSEPH
SOFFA, and ALBERKRACK FAMILY
LIMITED PARTNERSHIP, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

WACHOVIA SECURITIES, LLC, a North
Carolina limited liability company; WACHOVIA
SECURITIES FINANCIAL NETWORK, LLC, a
North Carolina limited liability company;
WACHOVIA CAPITAL MARKETS, LLC, a
North Carolina limited liability company;
WELLS FARGO ADVISORS, LLC, a Delaware
limited liability company; WELLS FARGO
ADVISORS FINANCIAL NETWORK, LLC, a
Delaware limited liability company; WELLS
FARGO SECURITIES, LLC, a Delaware limited
liability company; WELLS FARGO &
COMPANY, a Delaware corporation and DOES
1 through 10, inclusive,

Defendants.

No. CV 09 5337 SC

**JOINT STIPULATION BETWEEN
PLAINTIFFS AND DEFENDANTS
AND [PROPOSED] ORDER RE:
DATES FOR FILING RESPONSIVE
PLEADING**

Place: Courtroom 1
Judge: Hon. Samuel Conti

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1 This Stipulation is entered into by and among plaintiffs Theodore Kagan, James
 2 Aven, Frances Levy, Elaine Soffa, Joseph Soffa, and Alberkrack Family Limited Partnership
 3 (collectively, "Plaintiffs"), on the one hand, and defendants Wells Fargo Advisors, LLC, Wells
 4 Fargo Advisors Financial Network, LLC, Wells Fargo Securities, LLC, and Wells Fargo &
 5 Company ("Defendants"), on the other hand, with the following facts:

6 A. Plaintiffs filed their First Amended Class Action Complaint in the above-
 7 captioned matter (the "Amended Complaint") on or about August 6, 2010;

8 B. Defendants filed a motion to dismiss the Amended Complaint on September
 9 20, 2010.

10 C. On November 23, 2010, the Court denied Defendants' motion to dismiss.

11 **IT IS HEREBY STIPULATED AND AGREED as follows:**

12 1. Defendants' response to the Amended Complaint is currently due on Tuesday
 13 December 7, 2010;

14 2. Defendants' counsel seek a short, four-business day extension of time to file an
 15 Answer to the Amended Complaint because in-house counsel with authority to approve the
 16 Answer is unavailable through the end of the week. Defendants stipulate that they will file an
 17 Answer, and not a motion, as their responsive pleading;

18 3. Defendants submit that the short extension of time to file an Answer will not
 19 delay this matter. Pursuant to a case management conference held on Friday, December 3, 2010,
 20 the parties have just begun class discovery, and the matter is scheduled for a status conference
 21 April 8, 2011. No other deadlines have been established.

22 4. Defendants hereby stipulate that this is the final extension that they will request to
 23 file a responsive pleading;

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5. Plaintiffs consent to granting Defendants an extension of time to file their Answer through and including December 13, 2010. Subject to the Court's approval, Defendants shall file their Answer by Monday December 13, 2010.

DATED: December 6, 2010

Bingham McCutchen LLP

By: 

Donald S. Davidson
Michael D. Blanchard
Kevin J. Woods
Attorneys for Defendants

DATED: December 6, 2010

Kabateck Brown Kellner LLP

By: 

Alfredo Torrijos
Attorneys for Plaintiffs

IT IS SO ORDERED.

Defendant shall file an Answer to the Complaint on or before December 13, 2010.

DATED: 12/7/10

